

September 22, 2022

**Submitted Electronically at foiaonline.gov**

National FOIA Office  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (2310A)  
Washington, DC 20460

**Re: Freedom of Information ("FOIA") Request**

Dear FOIA Officer,

This letter requests information pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and the U.S. Environmental Protection Agency's ("EPA") FOIA regulations under 40 C.F.R. Part 2. The information sought from EPA includes the following:

Copies of all records produced by EPA in response to any FOIA requests submitted by an NGO to EPA from 2015 through and including the date of EPA's response to this request pertaining to EPA's analysis or interpretation of any portions of the following sections of EPA's CCR regulations:

- a. 40 C.F.R. § 257.102(d)(2)(i) ("Free liquids must be eliminated by removing liquid wastes or solidifying the remaining wastes and waste residues.");
- b. 40 C.F.R. § 257.102(d)(1)(ii) ("[p]reclude the probability of future impoundment of water, sediment or slurry"); and
- c. 40 C.F.R. § 257.102(d)(1)(i) ("[c]ontrol, minimize or eliminate, to the maximum extent feasible, post-closure infiltration of liquids into the waste and releases of CCR, leachate, or contaminated run-off to the ground or surface waters").

Alternatively, EPA may provide a link to the "Request Details" page of EPA's FOIAonline.gov website with the PDF of the records released to the requester.

It is likely that responsive records are in the possession or control of EPA Headquarters, and corresponding offices and subdivisions, which may include the Office of Resource Conservation and Recovery, Office of General Counsel, Office of Congressional and Intergovernmental Relations, and/or Office of the Administrator. However, my request is not limited to only these offices and staff members, and includes any other EPA offices or staff members that may possess or control responsive records.

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For the purposes of this request, the term "records" includes, but is not limited to, all books, papers, maps, photographs, machine readable materials, communications, correspondence, electronic materials, e-mails, attachments to emails, calendar appointments, webinars, telefaxes, recorded meetings, records documenting or evidencing a meeting, telephone or video conference, meeting minutes, meeting invitations, sign-in sheets, letters, memoranda, directives, policies, guidance, notations, copies, presentations, diagrams, studies, reports, applications, charts, tables, spreadsheets, formulas, observations, impressions, contracts, messages, mail, drafts, tapes, and other documentary materials, regardless of physical form, characteristics, or stage of development (e.g., draft, proposed, final, or otherwise). In addition, potentially applicable "NGOs" may include, but are not limited to, the Southern Environmental Law Center or SELC, Sierra Club, Mobile Baykeeper, Earthjustice, Environmental Integrity Project or EIP, as well as any individuals seeking records on behalf of an NGO.

I am willing to pay the applicable fees for this request up to \$250 without further authorization. Should expected fees exceed this amount, please contact me for approval to proceed. I will accept responsive documents in hard copy or electronic format and on a rolling basis as they become available for release.

Thank you for your attention to this request. Please feel free to contact me if I may provide any clarification or other information to process this request or to discuss any prioritizing of the agency's review for or production of records.

Sincerely,

*/s/ Steven A. Burns*

Steven A. Burns